

Exhibit 3

UNITED STATES DEPARTMENT OF AGRICULTURE
FEDERAL TRADE COMMISSION

OAKLAND, CALIFORNIA

BEFORE THE SECRETARY OF AGRICULTURE

RECEIVED
U.S. DEPARTMENT OF AGRICULTURE
MAY 15 1951

In re:) P & S Docket No. D-11-0042
)
)
 Eastern Livestock Company LLC and)
 Thomas P. Gibson,)
)
 Respondents) Complaint

There is reason to believe that the Respondent named herein have willfully violated the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*)(the Act) and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*)(the regulations), and, therefore, this complaint is issued alleging the following:

I

(a) Eastern Livestock Company LLC (hereinafter "Respondent LLC") is a limited liability company with a physical address and mailing address of 135 West Market Street, New Albany, Indiana 47150.

(b) Respondent LLC, at all times material herein, was:

(1) Engaged in the business of a dealer buying and selling livestock in commerce for its own account and of a market agency providing clearing services; and
(2) Registered with the Secretary of Agriculture as a dealer buying and selling livestock in commerce for its own account and as a market agency providing clearing services.

(c) Thomas P. Gibson (hereinafter "Individual Respondent"), at all times material herein was:

- (1) The 65% owner of Respondent LLC;
- (2) The President of Respondent LLC; and

(3) Responsible for the day to day direction, management and control of Respondent LLC.

II

(a) Respondent LLC., under the direction, management, and control of Individual Respondent, purchased livestock and failed to pay for such livestock purchases. As of the filing of this Complaint, the Packers and Stockyards Program had received sworn bond claims from 74 sellers for 2640 head of cattle sold to Respondent LLC in 96 transactions, in a total amount of \$1,588,711.75. A schedule of these allegations of failure to pay for livestock is attached hereto as Appendix A.

(b) As of November 8, 2010, Respondent LLC's records reflected a balance of accounts payable, for which no payment had been tendered, of \$3,698,253.00.

(c) As of November 5, 2010, according to Respondent LLC's records, Respondent LLC had issued checks which were dishonored by the bank against which they were drawn in the total amount of \$81,035,249.56.

(d) The Packers and Stockyards Program has received from livestock sellers copies of checks which Respondent LLC issued in purported payment for cattle purchases and which were returned as dishonored by the bank against which they were drawn, in a total amount of \$11,636,008.79. A schedule of such unpaid checks issued to livestock sellers by Respondent LLC is attached hereto as Appendix B.

(e) Respondent LLC, under the direction, management, and control of Individual Respondent, during the period August 31, 2009 through January 22, 2010, failed to make prompt payment to four (4) sellers, in regard to 21 transactions, for 2,424 head of cattle in a total amount

of \$1,121,888.88 when Respondent LLC failed to deposit checks therefor in the United States mail within the time limits specified in the Act.

III

Respondent LLC was notified by certified mail, received June 17, 2010, that it was necessary to increase its surety bond to \$1,150,000.00 to secure its livestock operations under the Act before continuing in such operations. Further, Respondent LLC was notified that if it continued its livestock operations under the Act without adequate bond coverage or its equivalent, it would be in violation of section 312(a) of the Act (7 U.S.C. § 213(a) and sections 201.29 and 201.30 of the regulations (9 C.F.R. §§ 201.29, 201.30). Notwithstanding such notice, Respondent LLC continued to engage in the business of a dealer buying and selling livestock on its own account and as a market agency providing clearing services without maintaining an adequate bond or its equivalent.

IV

By reason of the facts alleged in paragraph I herein, Respondent LLC is the *alter ego* of Individual Respondent.

By reason of the facts alleged in paragraph II herein, Respondents have willfully violated sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a), 228b).

By reason of the facts alleged in paragraph III herein, Respondents have willfully violated section 312(a) of the Act (7 U.S.C. § 213(a)) and sections 201.29 and 201.30 of the regulations (9 C.F.R. § 201.29, 201.30).

WHEREFORE, it is hereby ordered that for the purpose of determining whether Respondents have in fact willfully violated the Act and the regulations thereunder, this complaint shall be served upon Respondents. Respondents shall have twenty (20) days after receipt of this complaint in which to file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 *et seq.*). Failure to file an answer will constitute an admission of all the material allegations of this complaint.

Packers and Stockyards Program, GIPSA, requests:

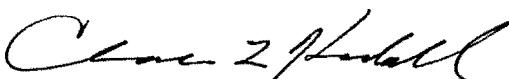
1. That unless Respondents fail to file an answer within the time allowed therefor, or file an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in accordance with the Rules of Practice governing proceedings under the Act; and
2. That such order or orders be issued, including an order requiring Respondents to cease and desist from the violations found to exist, and assessing such penalties as are authorized by the Act and warranted in the premises.

Done at Washington, D.C.

this 19 day of November 2010



Alan R. Christian
Deputy Administrator
Packers and Stockyards Program



Charles L. Kendall
Attorney for Complainant
Telephone: (202) 720-9405

APPENDIX A

Seller	Sale Date	State	Amount Unpaid
Alabama Livestock Auction, Inc.	10/23/2010	139	\$106,072.68
Alabama Livestock Auction, Inc.	10/29/2010	56	\$49,597.28
Alvin Barbee	10/26/2010	10	\$5,525.12
Avalon Russell	11/2/2010	2	\$1,179.24
Ben H. Armstrong	11/2/2010	4	\$2,173.32
Bill Warren	10/19/2010	8	\$4,732.39
Billie W. Hurt	11/2/2010	18	\$11,583.25
Billy Wayne Price	11/2/2010	2	\$787.52
Bluegrass - Maysville Stockyard, LLC	10/26/2010	18	\$9,070.40
Bluegrass - Maysville Stockyard, LLC	11/2/2010	45	\$26,761.59
Bob Sawyers	11/2/2010	12	\$7,874.23
Boyd Copas	11/2/2010	2	\$897.93
Brack D. Briscoe	11/1/2010	23	\$9,894.15
Brad Flood	9/15/2010	18	\$4,267.50
Brad Flood	9/15/2010	1	\$331.50
Brystice Amanger Wright	11/2/2010	1	\$656.72
Burke Livestock Auction	10/30/2010	19	\$14,097.27
Butch Gibson	11/1/2010	6	\$2,955.16
Cattleman's Livestock	10/19/2010	33	\$8,997.21
Cattleman's Livestock	10/26/2010	67	\$25,892.68
Cattleman's Livestock	10/26/2010	16	\$4,392.78
Cattleman's Livestock	11/2/2010	86	\$33,454.38
Cattleman's Livestock	11/2/2010	39	\$10,165.09
Charles M. Rush	11/2/2010	1	\$627.00
Charlie T. Fisher	11/2/2010	3	\$955.21
Danny Clifton Billingsley	11/2/2010	1	\$506.77
Darrell Lynn Wood	11/2/2010	8	\$4,825.90
Delphia Ann Garrett	10/19/2010	7	\$2,726.74
Delphia Ann Garrett	10/19/2010	8	\$3,371.44
Delphia Ann Garrett	10/26/2010	5	\$2,665.79
Denwalt & Son Cattle Co.	10/22/2010	66	\$51,413.40
Donald Hawks	11/2/2010	10	\$5,462.71
Donald R. Alexander	11/2/2010	40	\$26,717.77
Donnie Coomer	11/2/2010	3	\$1,192.39
Eddie Claywell	11/2/2010	1	\$1,478.59
Floyd Haywood Marr	11/2/2010	5	\$2,192.82
Frederick David Thomas	11/2/2010	5	\$2,326.85
Gabriel Moreno Medina	10/27/2010	160	\$99,321.86
Gabriel Moreno Medina	10/28/2010	137	\$97,162.65
Garrett, Susan (Brilyn & Bailee)	10/19/2010	2	\$1,304.06
Gary Tate	11/4/2010	203	\$159,268.50
Homer Copeland	11/2/2010	12	\$7,065.88
James Robert Flickinger	11/2/2010	15	\$5,854.20

APPENDIX A

Seller	Sale Date	State	Amount Unpaid
James H. Gibson	11/2/2010	8	\$3,986.79
Jared Ross Smith	11/2/2010	7	\$2,206.75
JC Billingsley	11/2/2010	2	\$1,083.52
Jerel Smith	11/2/2010	7	\$2,206.76
Jerry Bagby	11/2/2010	3	\$1,225.09
Jerry Herald	10/26/2010	6	\$2,920.66
Jesse W. Simpson	10/26/2010	1	\$514.10
Jimmie Dale High	11/2/2010	5	\$2,527.25
Jimmie Dale High	11/2/2010	4	\$1,515.90
John D. Thompson	11/2/2010	12	\$7,026.20
Joshua Brian Loftis	11/2/2010	7	\$5,469.41
Junior Martin	11/2/2010	9	\$6,514.31
Junior Martin	11/2/2010	9	\$4,889.59
Kelly Jeffries	11/2/2010	1	\$524.51
Kenneth Cowles	11/2/2010	7	\$3,640.03
Kenneth Sanders	11/2/2010	9	\$4,497.03
L&F Cattle (Troy Lathan & Joe Foote)	10/12/2010	194	\$160,121.56
Larry Woody	11/2/2010	4	\$2,917.49
Leland Douglas Glass	11/2/2010	14	\$9,241.06
Lenice H. Gibson	11/2/2010	2	\$901.27
Long Farms (Keith Long)	11/2/2010	9	\$6,880.08
Lynn D. Hirsch	11/3/2010	51	\$33,142.20
Michael Emberton	11/2/2010	10	\$4,564.01
Natural Bridge Stockyard	10/26/2010	24	\$12,634.17
Natural Bridge Stockyard	11/2/2010	29	\$13,958.01
Okeechobee Livestock Market, Inc.	10/25/2010	41	\$13,671.72
Okeechobee Livestock Market, Inc.	10/25/2010	16	\$4,404.03
Okeechobee Livestock Market, Inc.	10/26/2010	43	\$15,171.87
Okeechobee Livestock Market, Inc.	11/1/2010	18	\$5,623.55
Okeechobee Livestock Market, Inc.	11/2/2010	44	\$14,658.25
Ozarks Regional Stockyards, Inc	10/13/2010	21	\$11,503.15
Ozarks Regional Stockyards, Inc	10/26/2010	292	\$235,581.99
Ozarks Regional Stockyards, Inc	10/27/2010	22	\$12,176.01
Rachel Phelps	11/2/2010	2	\$876.65
Randy Nelson	11/1/2010	11	\$5,673.19
RD Lane	11/2/2010	16	\$9,067.10
Richard Hope	11/2/2010	6	\$3,543.24
Rita Cravens	11/2/2010	11	\$8,212.58
Roger Turner	10/26/2010	4	\$1,831.30
Roy Dee Blythe	11/2/2010	5	\$2,281.89
Roy Kinslow	11/2/2010	17	\$8,571.48
Roy Pace	11/2/2010	13	\$7,413.90
Scott Christopher Cowles	11/2/2010	12	\$4,990.07

APPENDIX A

Seller	Sale Date	State	Amount Unpaid
Scotts Hill Stockyard c/o James Linville	10/25/2010	51	\$23,288.98
Scotts Hill Stockyard c/o James Linville	11/1/2010	79	\$9,381.59
Todd Lynn	11/2/2010	19	\$10,583.44
Wesley Kinslow	11/2/2010	12	\$6,264.89
Wetstone Creek	11/2/2010	24	\$18,492.20
Willard R. Odle	11/2/2010	16	\$5,138.48
William Rex Elmore	10/26/2010	65	\$25,728.36
William Rex Elmore	11/2/2010	9	\$4,010.19
William Rex Elmore	11/2/2010	12	\$3,914.98
William White	11/2/2010	8	\$3,749.00
TOTAL		2640	\$1,588,711.75

APPENDIX B

Eastern Livestock Co., LLC Checks Not Honored			
Check Number	Date	Payee	Amount
15882	10/19/2010	Brilyn & Bailee Garrett	\$ 1,304.06
15883	10/19/2010	Delphia Garrett	\$ 2,726.74
15900	10/19/2010	Delphia Garrett	\$ 3,371.44
15915	10/19/2010	Bill Warren	\$ 4,732.39
15974	Unclear	Jerry Herald	\$ 2,920.66
15993	10/26/2010	Alvin Barbee	\$ 5,525.12
15997	10/26/2010	Delphia Garrett	\$ 2,665.79
16064	10/26/2010	Rex Elmore	\$ 25,728.36
16078	10/26/2010	Roger Turner	\$ 1,831.30
16083	10/26/2010	Jessie Simpson	\$ 508.56
16105	11/2/2010	Rex Elmore	\$ 4,010.19
16111	11/2/2010	Rachael Phelps	\$ 876.65
16121	11/2/2010	Butch Gibson	\$ 2,955.16
16126	11/2/2010	Jared Smith	\$ 2,206.75
16128	11/2/2010	Charles Rush	\$ 621.12
16132	11/2/2010	Randy Nelson	\$ 5,673.19
16135	11/2/2010	Rex Elmore	\$ 3,914.98
16138	11/2/2010	Billy Hurt	\$ 5,663.04
16152	11/2/2010	Todd Lynn	\$ 10,583.44
16154	11/2/2010	Fred Thomas	\$ 2,326.85
16158	11/2/2010	R.D. Lane	\$ 9,067.10
16159	11/2/2010	Kelly Jeffries	\$ 524.51
16162	11/2/2010	Long Farm	\$ 4,262.28
16163	11/2/2010	Boyd Copas	\$ 897.93
16172	11/2/2010	Scott Cowles	\$ 4,990.07
16173	11/2/2010	Billy Wayne Price	\$ 787.52
16174	11/2/2010	Haywood Marr	\$ 2,192.82
16184	11/2/2010	Jim Flickinger	\$ 5,854.20
16185	11/2/2010	Rita Cravens	\$ 8,212.58
16187	11/2/2010	Billy Hurt	\$ 5,920.21
16188	11/2/2010	Jerry Bagby	\$ 1,225.09
16191	11/2/2010	Wesley Kinslow	\$ 6,264.89
16196	11/2/2010	Bob Sawyers	\$ 7,874.23
16197	11/2/2010	Charlie Fisher	\$ 955.21
16199	11/2/2010	Larry Woody	\$ 2,917.49
16200	11/2/2010	Roy Kinslow	\$ 8,571.48
16202	11/2/2010	Donald Hawks	\$ 5,462.71
16203	11/2/2010	Kenneth Sanders	\$ 4,382.03
16204	11/2/2010	Kenneth Sanders	\$ 75.00
16216	11/2/2010	Ben Armstrong	\$ 2,173.32
16219	11/2/2010	Long Farm	\$ 2,617.80

APPENDIX B

Eastern Livestock Co., LLC Checks Not Honored			
Check Number	Date	Payee	Amount
16232	11/2/2010	James Gibson	\$ 3,986.79
16241	11/2/2010	Junior Martin	\$ 6,514.31
16244	11/2/2010	Danny Billingsley	\$ 506.77
16245	11/2/2010	JC Billingsley	\$ 1,083.52
16252	11/2/2010	Richard Hope	\$ 3,543.24
16254	11/2/2010	Avalon Russell	\$ 1,179.24
16257	11/2/2010	LH Gibson	\$ 901.27
16264	11/2/2010	Donnie Coomer	\$ 1,192.39
16265	11/2/2010	Eddie Claywell	\$ 1,478.49
16269	11/2/2010	Homer Copeland	\$ 7,065.88
16270	11/2/2010	Darrell Wood	\$ 4,825.90
16271	11/2/2010	John Thompson	\$ 7,026.20
16279	11/2/2010	Leland Glass	\$ 9,241.06
16280	11/2/2010	Donald Alexander	\$ 26,717.77
16283	11/2/2010	Josh Loftis	\$ 5,469.41
16286	11/2/2010	Roy Blythe	\$ 2,281.89
16288	11/2/2010	W.R. Odle	\$ 5,138.48
16296	11/2/2010	Junior Martin	\$ 4,889.59
31241	10/27/2010	Gabriel Moreno	\$ 99,321.86
31245	10/28/2010	Gabriel Moreno	\$ 97,162.65
32691	10/29/2010	Dante Zago and Farm Credit	\$ 34,093.10
33557	10/23/2010	Cullman Stockyard	\$ 42,708.02
35472	Unclear	L&F Cattle	\$ 160,121.56
35476	Unclear	Dick Wallace	\$ 49,363.43
35483	Unclear	Gary Tate	\$ 159,268.50
122797	10/20/2010	JC Bar Trucking	\$ 3,445.20
122880	10/20/2010	Cattlemen's Livestock Auction	\$ 8,925.86
122926	10/21/2010	Vanderbrink Trucking	\$ 4,218.00
122953	10/21/2010	Jack Roth Trucking	\$ 9,626.50
123185	10/26/2010	Mid-South Livestock Center	\$ 46,550.97
123197	10/25/2010	Superior Livestock Auction	\$ 304,301.70
123199	10/25/2010	Superior Livestock Auction	\$ 114,695.00
123201	10/25/2010	Superior Livestock Auction	\$ 116,817.21
123203	10/25/2010	Superior Livestock Auction	\$ 163,490.92
123205	10/25/2010	Superior Livestock Auction	\$ 125,987.95
123208	10/26/2010	Denwalt & Sons Cattle Co, LLC	\$ 51,413.40
123210	10/25/2010	Superior Livestock Auction	\$ 142,314.43
123211	10/25/2010	Superior Livestock Auction	\$ 165,749.84
123227	10/25/2010	Superior Livestock Auction	\$ 159,303.28
123229	10/25/2010	Superior Livestock Auction	\$ 153,241.09
123230	10/25/2010	Alabama Livestock Auction	\$ 106,052.94

APPENDIX B

Eastern Livestock Co., LLC Checks Not Honored			
Check Number	Date	Payee	Amount
123263	10/25/2010	Superior Livestock Auction	\$ 147,869.44
123300	10/26/2010	Fousek Farm	\$ 5,384.84
123319	10/26/2010	Mid-South Livestock Center	\$ 32,396.85
123325	10/26/2010	Charles Graham	\$ 111,358.49
123331	10/26/2010	Athens Stockyard	\$ 189,621.35
123334	10/26/2010	Athens Stockyard	\$ 48,594.57
123351	10/26/2010	Okeechobee Livestock Mkt.	\$ 13,671.72
123351	10/26/2010	Okeechobee Livestock Mkt.	\$ 13,671.72
123371	10/26/2010	Superior Livestock Auction	\$ 113,689.82
123373	10/26/2010	Superior Livestock Auction	\$ 108,785.44
123375	10/26/2010	Superior Livestock Auction	\$ 118,122.59
123377	10/26/2010	Superior Livestock Auction	\$ 147,043.87
123379	10/26/2010	Superior Livestock Auction	\$ 143,594.90
123381	10/26/2010	Superior Livestock Auction	\$ 138,682.84
123383	10/26/2010	Superior Livestock Auction	\$ 108,812.08
123385	10/26/2010	Superior Livestock Auction	\$ 140,734.55
123387	10/26/2010	Superior Livestock Auction	\$ 151,922.60
123389	10/26/2010	Superior Livestock Auction	\$ 156,945.84
123395	10/26/2010	Mid-South Livestock Center	\$ 156,292.63
123405	10/26/2010	Scotts Hill Stockyard	\$ 23,288.98
123421	10/26/2010	Northwest Alabama Livestock	\$ 100,301.47
124580	10/27/2010	Superior Livestock Auction	\$ 118,593.88
124581	10/27/2010	Superior Livestock Auction	\$ 160,030.78
124583	10/27/2010	Superior Livestock Auction	\$ 113,147.97
124584	10/27/2010	Superior Livestock Auction	\$ 151,021.59
124589	10/27/2010	Ozark Regional Stockyard, Inc.	\$ 235,581.99
124600	10/27/2010	Athens Stockyard	\$ 26,503.30
124604	10/27/2010	Cattlemen's Livestock Auction	\$ 30,285.46
124613	10/27/2010	Natural Bridge Stockyard	\$ 12,634.17
124633	10/27/2010	Superior Livestock Auction	\$ 141,110.24
124634	10/27/2010	Superior Livestock Auction	\$ 114,025.63
124636	10/27/2010	Superior Livestock Auction	\$ 142,339.20
124637	10/27/2010	Superior Livestock Auction	\$ 146,802.47
124638	10/27/2010	Superior Livestock Auction	\$ 128,786.30
124640	10/27/2010	Superior Livestock Auction	\$ 123,397.38
124641	10/27/2010	Superior Livestock Auction	\$ 166,928.09
124642	10/27/2010	Superior Livestock Auction	\$ 170,360.58
124644	10/27/2010	Superior Livestock Auction	\$ 231,853.65
124645	10/27/2010	Athens Stockyard	\$ 46,221.25
124648	10/27/2010	Charles Graham	\$ 110,988.60
124660	10/27/2010	Bluegrass - Marysville	\$ 9,070.40

APPENDIX B

Eastern Livestock Co., LLC Checks Not Honored			
Check Number	Date	Payee	Amount
124717	10/28/2010	Superior Livestock Auction	\$ 103,431.19
124719	10/28/2010	Ozark Regional Stockyard, Inc.	\$ 11,503.15
124730	10/28/2010	Charles Graham	\$ 108,783.00
124733	10/28/2010	Northwest Alabama Livestock	\$ 136,675.59
124739	10/28/2010	Superior Livestock Auction	\$ 115,339.22
124741	10/28/2010	Superior Livestock Auction	\$ 116,504.05
124744	10/28/2010	Ozark Regional Stockyard, Inc.	\$ 7,815.21
124758	10/28/2010	Sand Mountain Stockyard	\$ 35,080.78
124772	10/28/2010	Superior Livestock Auction	\$ 66,893.48
124774	10/28/2010	Superior Livestock Auction	\$ 137,942.95
124776	10/28/2010	Superior Livestock Auction	\$ 144,276.51
124778	10/28/2010	Superior Livestock Auction	\$ 163,487.92
124780	10/28/2010	Superior Livestock Auction	\$ 152,660.71
124782	10/28/2010	Superior Livestock Auction	\$ 145,922.28
124784	10/28/2010	Superior Livestock Auction	\$ 245,071.26
124786	10/28/2010	Superior Livestock Auction	\$ 204,742.68
124788	10/28/2010	Superior Livestock Auction	\$ 108,235.56
124883	10/29/2010	Superior Livestock Auction	\$ 159,007.67
124885	10/29/2010	Superior Livestock Auction	\$ 96,084.65
124887	10/29/2010	Superior Livestock Auction	\$ 99,237.00
124889	10/29/2010	Superior Livestock Auction	\$ 108,027.27
124891	Unclear	Superior Livestock Auction	\$ 100,089.53
124893	Unclear	Superior Livestock Auction	\$ 107,339.44
124895	Unclear	Superior Livestock Auction	\$ 95,736.19
124897	Unclear	Superior Livestock Auction	\$ 150,323.53
124899	Unclear	Superior Livestock Auction	\$ 204,310.02
124901	Unclear	Superior Livestock Auction	\$ 100,876.87
124903	Unclear	Superior Livestock Auction	\$ 103,893.98
124905	Unclear	Superior Livestock Auction	\$ 131,607.34
124907	Unclear	Superior Livestock Auction	\$ 140,447.61
124913	Unclear	Superior Livestock Auction	\$ 154,990.76
124914	Unclear	Superior Livestock Auction	\$ 145,706.50
124915	Unclear	Superior Livestock Auction	\$ 137,461.57
124916	Unclear	Superior Livestock Auction	\$ 148,869.39
124917	Unclear	Superior Livestock Auction	\$ 98,300.22
124918	Unclear	Superior Livestock Auction	\$ 150,354.69
124980	Unclear	Alabama Livestock Auction	\$ 49,597.28
125003	11/1/2010	Jessie Simpson	\$ 2,428.20
125022	11/1/2010	Brack Briscoe	\$ 9,894.15
Total Dishonored Checks for which P&SP has a Copy			\$ 11,636,008.79